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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,497	02/07/2001	Rainer Graumann	P00,1994	8814
26574	7590	05/17/2006	EXAMINER	
SCHIFF HARDIN, LLP PATENT DEPARTMENT 6600 SEARS TOWER CHICAGO, IL 60606-6473			MICHALSKI, JUSTIN I	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/778,497	Applicant(s) GRAUMANN, RAINER	
	Examiner Justin Michalski	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 26 January 2006 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4-6, and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Wang et al. (Hereinafter "Wang") (US Patent 5,757,929).

Regarding Claim 1, Wang discloses a fabric garment consisting of a fabric neckband (collar 36), having a pocket therein and having a microphone removable contained in the pocket of the garment (Wang discloses the collar 36 can be included for purposes of concealing (i.e. pocket) of components of the interface 30, Col. 5, lines 44-46. It is inherent that the microphone will be removably contained, as indeed, any two members contained together my man are capable of being removed.

Regarding Claim 4, Wang further discloses a contact electrically connected to the microphone disposed at an exterior surface of the fabric garment, and a cable having a mating contact, engageable with said contact, for transmitting signals from said microphone to a remote location (wires 66).

Regarding Claim 5, Wang further disclose a cable connected to said microphone for transmitting signal from said microphone to a remote location, said fabric garment having an interior and an exterior and said microphone being disposed in the interior of said fabric garment, and said fabric garment having an opening through which said cable proceeds from said interior of said fabric garment to said exterior of said garment (Col. 7, lines 5-14).

Regarding Claim 6, Wang further discloses a wireless transmitter electrically connected to said microphone for wirelessly transmitting signals generated by said microphone to a remote location (transmitter 54).

Regarding Claim 8, Wang discloses a communication system comprising: a fabric neckband (collar 36), having a pocket therein; a microphone removably contained in the pocket of said fabric garment (Wang discloses the collar 36 can be included for purposes of concealing (i.e. pocket) of components of the interface 30, Col. 5, lines 44-46. It is inherent that the microphone will be removably contained, as indeed, any two members contained together my man are capable of being removed.); a reception unit disposed remote from said microphone (receiver 64); and a signal transmitting arrangement for transmitting signal, corresponding to voice signals picket up by said microphone, from said microphone to said reception unit (Wang discloses transmitter

54, it is inherent that a receiver unit will be present to receive transmitted signals from transmitter 54).

Regarding Claim 9, Wang further discloses said signal transmitting arrangement comprises a cable electrically connecting said microphone and said reception unit (wires 66).

Regarding Claim 10, Wang further discloses said signal transmitting arrangement comprises a wireless transmitter (54) electrically connected to said microphone and located at said fabric garment, and a wireless receiver located at said reception unit for receiving signals from said wireless transmitter (It is inherent that the receiver unit will contain a wireless receiver to receive wirelessly transmitted signals from 54).

4. Claims 1, 3, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Ingalls (US Patent 4,607,383).

Regarding Claim 1, Ingalls discloses a fabric neckband (Figs 1 and 2), having a pocket therein and having a microphone (14) removably contained in the pocket of the garment (screws 22).

Regarding Claim 3, Ingalls further discloses the microphone is a larynx microphone (Fig 1).

Regarding Claim 7, Ingalls further discloses an electrical filter circuit for suppressing distributing signals (Column 1, lines 57-61).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang.

Regarding Claim 2, Although Wang does not disclose that the garment is to be worn in a medical environment it would have been obvious to one of ordinary skill in the art at the time the invention was made that a garment can be worn in any environment including a medical environment since Wang does not limit the garment to be used in any one kind of specific environment..

7. Regarding Claim 8, Although Wang does not disclose the use of a filter for suppressing disturbing signals, It would have been obvious to one of ordinary skill in the art at the time the invention was made that filters can be used to suppress unwanted signal components in order to provide a clearer audio signals.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over claim 8 above in view of Murphy et al. (Hereinafter "Murphy") (US Patent 5,544,654).

Regarding Claim 11, Ingalls does not disclose controlling a medical-technical device by a voice signal. Murphy discloses voice control of a medical-technical device by using voice control (Fig. 10) in order to avoid the use of a keyboard or a footswitch.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include voice control of a medical-technical device in order to operate the medical-technical device while allowing full use of hands to perform a procedure at the same time

9. Claims 13, 15, 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Murphy (US Patent 5,544,654).

Regarding Claim 13, Wang discloses integrating a microphone into a pocket of a fabric garment (Wang discloses the collar 36 can be included for purposes of concealing (i.e. pocket) of components of the interface 30, Col. 5, lines 44-46. It is inherent that the microphone will be removably contained, as indeed, any two members contained together may be capable of being removed.); speaking voice commands into said microphone, which are converted into electrical signals by said microphone; communicating said electrical signals to a reception unit located remotely from said microphone (transmitter 54). Loftus does not disclose the device being a medical-technical device. Murphy discloses voice control of a medical-technical device by using voice control (Fig. 10) in order to avoid the use of a keyboard or a footswitch.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include voice control of a medical-technical device in order to operate the medical-technical device while allowing full use of hands to perform a procedure at the same time.

Regarding Claim 15, Wang further discloses a neckband (collar 36).

Regarding Claim 17, Wang further discloses electrically connecting a contact to said microphone and making said contact accessible at an exterior surface of said fabric garment (wires 66), connecting a mating contact at a first end of an electrical cable to said contact (end or wires 66), and connecting an opposite end of said cable to said reception unit, and transmitting said signals via said cable to said reception unit (wires 66).

Regarding Claim 18, Wang further discloses disposing said microphone in said pocket in an interior of said fabric garment, and wherein the step of transmitting said signals comprises providing an electrical cable (66) in electrical connection with said microphone and guiding said cable through an opening in said fabric garment from the interior of said fabric garment to an exterior of said garment (Col. 7, lines 5-14), and connecting an opposite end of said cable to said reception unit (receiver 64 and transmitter 54).

Regarding Claim 19, Wang further discloses providing a wireless transmitter in electrical connection with said microphone (54), providing a wireless receiver at said reception unit (it is inherent the reception unit will comprise a wireless receiver to receive transmitted signals), and wirelessly transmitting said signals produced by said microphone from said transmitter to said receiver (transmitter 54).

10. Claims 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang/Murphy applied to claim 13 above in further view of Ingalls (US Patent 4,607,383).



Regarding Claim 16, Wang/Murphy discloses a method as stated apropos of claim 13 above but does not disclose the microphone being a larynx microphone. One skilled in the art at the time the invention was made would have known that microphones come in different forms including a larynx microphone as disclosed by Ingalls (Figure 1). Ingalls teaches that larynx microphones are advantageous in noisy environments since they rely on direct mechanical coupling to the larynx of the wearer (Column 1, lines 11-18). Therefore, it would have been obvious to incorporate a larynx microphone in order to eliminate noise from the environment that the user is in for a clearer audio signal.

Regarding Claim 20, Wang/Murphy discloses a method as stated apropos of claim 13 above but does not disclose filter signals. Ingalls discloses electrical filters are useful in shaping the response of microphones (i.e. suppressing certain signals) (Column 1, lines 57-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made that filters could be used to shape and suppress signals from a microphone.

### ***Conclusion***

11. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2615.


Art Unit: 2615


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Michalski whose telephone number is (571)272-7524. The examiner can normally be reached on M-F 7-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571)272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JIM

  
May 10, 2006

  
**VIVIAN CHIN**  
**SUPERVISORY PATENT EXAMINER**  
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